

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF NEW YORK**

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DANIEL J. WIK,  
Plaintiff,

vs.

DONALD R. KUNEGO, in  
his personal and individual  
capacity,  
Defendant.

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**CLERK'S CERTIFICATION/INDEX**  
**Civil No: 11-CV-6205**

I, MICHAEL J. ROEMER, CLERK of the District Court of the UNITED STATES for the Western District of New York, DO, HEREBY CERTIFY that the foregoing docket entries, with the exception of the documents listed below are maintained electronically on the court's CM/ECF system and constitute the Record on Appeal in the above-entitled action.

**The following documents are not available electronically and are currently maintained in traditional fashion in the U.S. District Court Clerk's Office.**

All documents available electronically.

Any additional records which are not currently available electronically, please feel free to contact us and we will arrange for the document(s) to be made available to you.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of said Court to be hereto affixed at the City of Rochester, New York, this 8th day of November 2012.

Michael J. Roemer  
Clerk of Court  
United States District Court

(By): s/John H. Folwell  
John H. Folwell  
Deputy Clerk

APPEAL,CASREF,CLOSED\_2012,JWF.MEDIATION,ProSe

**U.S. DISTRICT COURT**  
**U.S. District Court, Western District of New York (Rochester)**  
**CIVIL DOCKET FOR CASE #: 6:11-cv-06205-CJS-JWF**  
**Internal Use Only**

Wik v. Kunego  
Assigned to: Hon. Charles J. Siragusa  
Referred to: Hon. Jonathan W. Feldman  
Cause: 42:1983 Civil Rights Act

Date Filed: 04/18/2011  
Date Terminated: 10/10/2012  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff****Daniel J. Wik**

represented by **Daniel J. Wik**  
659 Averill Avenue  
Rochester, NY 14607  
585-957-5902  
PRO SE

V.

**Defendant**

**Donald R. Kunego**  
*in his personal and individual capacity*


represented by **Robert H. Flynn**  
Lippman O'Connor  
300 Olympic Towers  
300 Pearl Street  
Buffalo, NY 14202  
716-854-4705  
Fax: 716-854-1932  
Email: robert.flynn@selective.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/18/2011	<u>1</u>	COMPLAINT against Donald R. Kunego, filed by Daniel J. Wik.(BK) (Entered: 04/21/2011)
04/18/2011		Civil Filing fee: \$350.00, receipt number ROC004948. (BK) (Entered: 04/21/2011)
04/21/2011		Summons Issued as to Donald R. Kunego. (BK) (Entered: 04/21/2011)
04/21/2011	<u>2</u>	MOTION to Expedite Hearing by Daniel J. Wik.(JHF) (Entered: 04/25/2011)

04/21/2011	<u>3</u>	MOTION for Preliminary Injunction/Restraining Order by Daniel J. Wik.(JHF) (Entered: 04/25/2011)
04/22/2011	<u>4</u>	Supplement in Support re <u>3</u> MOTION for Preliminary Injunction/Restraining Order filed by Daniel J. Wik. (JHF) (Entered: 04/25/2011)
04/25/2011	<u>5</u>	ORDER denying <u>2</u> Motion to Expedite hearing: denying <u>3</u> Motion for Preliminary Injunction/Restraining Order. Clerk directed to mail copy of this order to Hon. Donald Kunego, Town of Bergen Justice Court, P.O. Box 249, Bergen, NY 14416. Signed by Hon. Charles J. Siragusa on 4/25/11. (JHF) (Entered: 04/25/2011)
04/25/2011		Remark: copy of <u>5</u> order mailed to Hon. Donald Kunego, Town of Bergen Justice Court, P.O. Box 249, Bergen, NY 14416. (JHF) (Entered: 04/25/2011)
04/26/2011	<u>6</u>	PROOF OF SERVICE by Daniel J. Wik (JHF) (Entered: 04/28/2011)
05/16/2011	<u>7</u>	<i>Defendant's Verified</i> ANSWER to Complaint by Donald R. Kunego. (Flynn, Robert) (Entered: 05/16/2011)
06/07/2011	<u>8</u>	TEXT ORDER REFERRING CASE to Magistrate Judge Hon. Jonathan W. Feldman. The Magistrate Judge is hereby designated to act in this case as follows: Pursuant to 28 U.S.C. Section 636(b)(1)(A), all pre-trial matters in this case are referred to the above-named United States Magistrate Judge, including but not limited to: (1) conduct of a scheduling conference and entry of a scheduling order pursuant to Fed. R. Civ. P. 16, (2) hearing and disposition of all non-dispositive motions or applications, (3) supervision of discovery, and (4) supervision of all procedural matters involving the aforementioned or involving the preparation of the case or any matter therein for consideration by the District Judge. All non-dispositive motions or applications shall be filed with the Clerk and made returnable before the Magistrate Judge. The parties are encouraged to consider the provisions of 28 U.S.C. Section 636(c) governing consent to either partial or complete disposition of the case, including trial if necessary, by the Magistrate Judge. Consent forms are available from the office of the Magistrate Judge or the office of the Clerk of Court. IT IS SO ORDERED. Signed by Hon. Charles J. Siragusa on 6/7/11. (KJA) (Entered: 06/07/2011)
06/13/2011		NOTICE OF RULE 16 CONFERENCE: Notice with attachments sent to parties via US Mail. Scheduling Conference set for 7/13/2011 at 11:00 AM before Hon. Jonathan W. Feldman. (RJO) (Entered: 06/13/2011)
07/13/2011	<u>9</u>	SCHEDULING ORDER (Please Note: This docket text may not contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.) Mandatory Disclosures due by 8/15/2011. Dispositive Motions due by 4/13/2012. Motions to Join Parties/Amend Pleadings due by 9/16/2011. Discovery completed by 2/28/2012. Signed by Hon. Jonathan W. Feldman

		on 7/13/2011. (RJO) (Entered: 07/13/2011)
07/13/2011	<u>10</u>	Minute Entry for proceedings held before Hon. Jonathan W. Feldman: Scheduling Conference held on 7/13/2011. Order issued. Digital Recording. (RJO) (Entered: 07/13/2011)
08/15/2011	<u>11</u>	RULE 26 DISCLOSURE by Daniel J. Wik.(JHF) (Entered: 08/19/2011)
08/16/2011	<u>12</u>	CERTIFICATE OF SERVICE by Daniel J. Wik re <u>11</u> Rule 26 Disclosure. (JHF) (Entered: 08/19/2011)
09/08/2011	<u>13</u>	MOTION for Subpoena/Enlargement of Depositions by Daniel J. Wik. (Attachments: # <u>1</u> Exhibits)(RE) (Entered: 09/09/2011)
09/12/2011	<u>14</u>	ORDER re <u>13</u> MOTION Subpoena/Enlargement of Depositions filed by Daniel J. Wik. Responses due by 10/12/2011. Replies due by 10/27/2011. This motion will be deemed submitted without oral argument on 10/27/2011. Signed by Hon. Jonathan W. Feldman on 9/12/2011. (RJO) (Entered: 09/12/2011)
09/16/2011	<u>16</u>	MOTION to Compel, MOTION for Sanctions, MOTION for Extension of Time to Complete Discovery by Daniel J. Wik.(JHF) (Entered: 09/22/2011)
09/19/2011	<u>15</u>	RULE 26 DISCLOSURE by Donald R. Kunego.(Flynn, Robert) (Entered: 09/19/2011)
09/23/2011	<u>17</u>	ORDER re <u>16</u> MOTION to Compel MOTION for Sanctions MOTION for Extension of Time to Complete Discovery filed by Daniel J. Wik. Responses due by 10/24/2011. Replies due by 11/8/2011. This motion will be deemed submitted without oral argument on 11/8/2011. Signed by Hon. Jonathan W. Feldman on 9/23/2011. (RJO) (Entered: 09/23/2011)
10/13/2011	<u>18</u>	AFFIRMATION re <u>13</u> MOTION Subpoena/Enlargement of Depositions filed by Donald R. Kunego filed by Donald R. Kunego. (Attachments: # <u>1</u> Exhibit A)(Flynn, Robert) (Entered: 10/13/2011)
10/24/2011	<u>19</u>	AFFIDAVIT in Opposition re <u>16</u> MOTION to Compel MOTION for Sanctions MOTION for Extension of Time to Complete Discovery filed by Donald R. Kunego. (Attachments: # <u>1</u> Exhibit Exhibit A. # <u>2</u> Exhibit Exhibit B)(Flynn, Robert) (Entered: 10/24/2011)
10/24/2011	<u>20</u>	RESPONSE IN FURTHER SUPPORT OF <u>16</u> MOTION to Compel/Sanction/Extension by Daniel J. Wik.(JHF) Modified on 11/1/2011 (TO). (Entered: 10/25/2011)
10/24/2011	<u>21</u>	AFFIRMATION in Support signed by Daniel J. Wik, filed by Daniel J. Wik. (JHF) (Entered: 10/25/2011)
10/26/2011	<u>22</u>	AFFIRMATION in Support signed by Daniel J. Wik re <u>13</u> MOTION Subpoena/Enlargement of Depositions filed by Daniel J. Wik. (JHF) (Entered: 10/26/2011)
10/27/2011		Minute Entry for proceedings held before Hon. Jonathan W. Feldman: Motion Submitted: <u>13</u> MOTION Subpoena/Enlargement of Depositions.

		(RJO) (Entered: 10/31/2011)
11/08/2011	<u>23</u>	AFFIRMATION in Further Support of <u>16</u> MOTION to Compel/Sanction /Extension filed by Daniel J. Wik. (JHF) (Entered: 11/08/2011)
11/08/2011		Minute Entry for proceedings held before Hon. Jonathan W. Feldman: Motions Submitted: <u>16</u> MOTION to Compel. MOTION for Sanctions. MOTION for Extension of Time to Complete Discovery. (RJO) (Entered: 11/09/2011)
01/26/2012	<u>24</u>	RESPONSE to Discovery Request from Wik for Kunego by Robert Flynn by Donald R. Kunego. (Attachments: # <u>1</u> Exhibit A - Training Certificates for Hon. Kunego, # <u>2</u> Exhibit B - 2010 Justice Court Summary, # <u>3</u> Exhibit Ex C - Part 1 of 7 Court's File for Case No. 10070055, # <u>4</u> Ex C - Part 2 of 7 - Court's File for Case No. 10070055, # <u>5</u> Ex C - Part 3 of 7 - Court's File for Case No. 10070055, # <u>6</u> Ex C - Part 4 of 7 - Court's File for Case No 10070055, # <u>7</u> Ex C - Part 5 of 7 - Court's File for Case No. 10070055, # <u>8</u> Ex C - Part 6 of 7 - Court's File for Case No. 10070055, # <u>9</u> Ex C - Part 7 of 7 - Court's File for Case No. 10070055)(Flynn, Robert) (Entered: 01/26/2012)
04/13/2012	<u>25</u>	MOTION for Summary Judgment by Donald R. Kunego. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Memorandum in Support, # <u>12</u> Affidavit Clerk Affidavit, # <u>13</u> Exhibit A-Oath of Office)(Flynn, Robert) (Entered: 04/13/2012)
05/16/2012	<u>26</u>	MOTION SCHEDULING ORDER re <u>25</u> MOTION for Summary Judgment filed by Donald R. Kunego, ( Responses due by 6/29/2012.) Written decision will be rendered after 6/29/12.. Signed by Hon. Charles J. Siragusa on 5/15/12. (KAP) (Entered: 05/16/2012)
06/29/2012	<u>27</u>	REPLY to re <u>25</u> MOTION for Summary Judgment filed by Daniel J. Wik. (JHF) (Entered: 06/29/2012)
08/14/2012	<u>28</u>	ORDER REFERRING CASE to Mediation. Signed by Hon. Charles J. Siragusa on 8/13/12. (JHF) (Entered: 08/14/2012)
09/13/2012	<u>29</u>	MOTION to Opt Out of ADR by Donald R. Kunego. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(Flynn, Robert) (Entered: 09/13/2012)
09/26/2012	<u>31</u>	ORDER denying <u>29</u> Motion to Opt Out of ADR. Signed by Hon. Charles J. Siragusa on 9/24/12. (JHF) (Entered: 09/28/2012)
09/27/2012	<u>30</u>	ORDER denying <u>13</u> Motion for subpoenas and enlargement of number of depositions : denying as moot <u>16</u> Motion to Compel; denying <u>16</u> Motion for Sanctions; denying without prejudice <u>16</u> Motion for Extension of Time to Complete Discovery. Signed by Hon. Jonathan W. Feldman on 9/27/2012. (RJO) (Entered: 09/27/2012)

10/09/2012	<u>32</u>	DECISION AND ORDER granting <u>25</u> Motion for Summary Judgment. Defendants motion for summary judgment, ECF 25, is granted, and this action is dismissed with prejudice. Signed by Hon. Charles J. Siragusa on 10/9/12. (KAP) (Entered: 10/09/2012)
10/10/2012	<u>33</u>	JUDGMENT dismissing the action with prejudice. Signed by Clerk on 10/10/12. (JHF) (Entered: 10/10/2012)
11/07/2012	 <u>35</u>	MOTION for Reconsideration by Daniel J. Wik.(JHF) (Entered: 11/08/2012)
11/08/2012	<u>34</u>	NOTICE OF APPEAL as to <u>32</u> Order, <u>33</u> Judgment by Daniel J. Wik. Filing fee paid (Receipt #ROC006151, \$455). (JHF) (Entered: 11/08/2012)